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U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
WEST DIV. CINCINNATI

IN THE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
CINCINNATI DIVISION

AUDLEY CASANOVA,  
Plaintiff,

:  
:  
:

: Case No. C-1-00579

SAS

PAUL BYERS,  
Defendant,

:  
:  
:

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**DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION FOR RELIEF FROM  
JUDGMENT**

**COMES NOW**, Paul Byers, and responds to Plaintiff's Motion for Relief from  
Judgment.

Under Rule 60(b) of the Federal Rules of Civil Procedure:

...The motion shall be made within a reasonable time, and for reasons (1), (2),  
and (3) not more than one year after the judgment.

On December 10, 2001, the Court granted Defendant's Motion for Summary Judgment  
(doc. 17). Plaintiff's motion is time barred.

In addition, Plaintiff appealed this Court's judgment to the United States Court of  
Appeals for the Sixth Circuit, Case No. 02-3388, and Plaintiff lost his appeal.

Defendant denies the allegations alleged in paragraphs 2 and 3 of Plaintiff's Motion for  
Relief from Judgment.

WHEREFORE, Defendant, Paul Byers, prays that the Motion of Plaintiff be dismissed.


Respectfully submitted,

A handwritten signature in cursive script that reads "Paul Byers". The signature is written in dark ink and is positioned above the printed name and address.

Paul Byers  
310 Ezzard Charles Dr.  
Cincinnati, OH 45214

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been sent via first class mail, with sufficient postage affixed, on this the 25th day of November, 2003, to Audley Casanova, #18131-057, 2680 HWY 301, South, Jesup, GA 31599.

  
Paul Byers, Defendant